IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SIXTH DAY OF SEPTEMBER
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE GODA RAGHURAM
AND
THE HONS'BLE MR. JUSTICE S. ANANDA REDDY

WRIT PETITION No. 2397 of 2002

Between:
R.P. Narsing Bhan Singh.

..... PETITIONER

AND

The District & Sessions Judge,
Kurnool & aother

.....RESPONDENTS

THE HON'BLE MR. JUSTICE GODA RAGHURAM
AND
THE HONS'BLE MR. JUSTICE S. ANANDA REDDY

W.P.No. 2397 OF 2002

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O R D E R: **(**Per Hon'ble Mr. Justice Goda Raghuram)

The Petitioner worked as a temporary Process Server during 15.03.1995 to 08.03.1996 with intermittent breaks in service in the Court of the Munsif Magistrate, Allagadda.

2. In W.P.No.18906 of 1998, the Petitioner sought a direction to the 1st Respondent to appoint him as an attender in future vacancies considering his past service as a casual Process Server. By the judgment of a Division Bench of this Court, dated 18.08.1998, the said writ petition was disposed of. This Court observed that the Petitioner had applied for the post of Process Server pursuant to the recruitment notification issued in October, 1996 whereat he had qualified for the written test. But, since he had obtained low marks in the interview he was not selected. The Court observed that it is not clear whether due weightage was given to the past service rendered by the Petitioner. This Court further observed that the Petitioner's service during 15.03.1995 to 08.03.1996 should be treated as continuous service, ignoring the technical breaks administered, and that since the Petitioner is not seeking invalidation of the selection already made, the writ petition is disposed of with a direction that the Petitioner's name be included in the 'C' List and his case considered for appointment giving him due preference as per the guidelines issued by the High Court in future posts advertised.

3. In the present writ petition the Petitioner states that several vacancies of Process Servers arose and by the Notification of the 1st Respondent dated 05.09.2000, nearly 24 posts were notified and the Petitioner applied for appointment

as a Process Server.

4. In response to the averments in the writ petition, the 1st Respondent has filed a counter-affidavit, which states that pursuant to the Notification in the year 2000 for filling up vacancies of Process Servers, 32,000 applications were received and are under process. The counter was filed in the year 2002. Smt. Bhaskara Lakshmi, the learned Standing Counsel for the Respondents states on instructions that subsequent to the filing of the counter affidavit selections pursuant to the Notification in the year 2000 were completed but the Petitioner failed to qualify in the said selections and therefore could not be appointed as a Process Server. The learned Standing Counsel would state that even subsequently there was a notification for filing up certain posts, including of Process Servers, but it is not known whether the Petitioner had applied pursuant to such subsequent notification.

5. Since it is represented that pursuant to the 2000 Notification, the Petitioner's application was considered, but he did not come up for selection, the appropriate recourse for the Petitioner in the circumstances is to assail his non-selection pursuant to the 2000 Notification, if there be any grounds for impeaching that non-selection process. There is no material before this Court and in this writ petition nor is there any challenge by the Petitioner to his non-selection pursuant to the notification in the year 2000, warranting grant of any relief.

6. The writ petition is therefore, dismissed. There shall however be no order as to costs.

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Goda Raghuram, J.

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Dt. 26.09.2007 S. Ananda
Reddy, J.
Kvh

THE HON'BLE MR. JUSTICE GODA RAGHURAM
AND
THE HONS'BLE MR. JUSTICE S. ANANDA REDDY

W.P.No. 2397 OF 2002

O R D E R

(Per Hon'ble Mr. Justice Goda Raghuram)

26…09…2007